

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 649 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

ANANTRAI P VYAS

Versus

STATE OF GUJARAT

Appearance:

MR MS RAO for Petitioner

None present for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/03/98

ORAL JUDGEMENT

Heard the learned counsel for the petitioner and perused the special civil application.

2. Grievance of the petitioner is that instead of retiring him from 31st August, 1987 he was ordered to be retired from 28th February, 1987 by the respondents, which is highly illegal and arbitrary.

3. From the order annexure 'C' dated 6-9-1986 of the respondents at page no.27 of the special civil application I find that the petitioner attained the age of superannuation on 9-2-1987 and as such he was ordered to be retired from 28th February, 1987.

4. The learned counsel for the petitioner is unable to show how this order is illegal. The petitioner is not disputing the fact that he attained the age of superannuation on 9th February, 1987. If that position is not disputed then how the petitioner is correct to challenge that order. The petitioner is unable to show how he would have completed his age of 58 years on 31st August, 1987. The petitioner has not given what is the date of birth recorded in his service record. Further it is not the case of the petitioner that his date of birth in the service record has wrongly been recorded. It is not a case of premature retirement of the petitioner but it is a case where the petitioner was ordered to be retired on attaining the age of superannuation. The petitioner admits that the age of superannuation is of 58 years but what he contended that he will attain the age of 58 years on 31st August, 1987 for which he has not produced any material on record.

5. Taking into consideration the totality of the facts of this case, I do not find any merits in the matter.

6. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated.

zgs/-